

June 17, 2020

**VIA ELECTRONIC MAIL**

Luly E. Massaro, Commission Clerk  
Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

**RE: Docket 4888 – The Narragansett Electric Company d/b/a National Grid  
2019 Energy Efficiency Year-End Report – Supplemental Attachment  
Confidential Vendor Schedules**

Dear Ms. Massaro:

On behalf of The Narragansett Electric Company d/b/a National Grid (National Grid or the Company), enclosed, please find an electronic version<sup>1</sup> of a supplemental attachment to the Company's 2019 Energy Efficiency Year-End Report (Year-End Report)<sup>2</sup> and motion for protective treatment. The supplemental attachment consists of an Excel file containing confidential vendor schedules and, as such, the Company respectfully requests confidential treatment. The vendor schedules do not contain any reasonable segregable information and, therefore, there is no public version of the enclosed Excel file. However, the confidential vendor schedules are described below and on pages 39-40 of the Year-End Report which is publicly available.

As indicated on pages 39-40 of the Year-End Report, the Company developed the vendor schedules in collaboration with the Division of Public Utilities and Carriers ("Division") and, as of the date on which the Year-End Report was filed, the Company was in the process of finalizing the vendor schedules. The Company has since finalized the vendor schedules prompting this filing. The vendor schedules contain the following information:

- **Confidential Vendor Schedule 1 - 2019 Year End Report - Table E-1 - Program Level Cost Breakdown into Subcategories:** A breakout of the electric energy efficiency programs by cost category and sub category, detailing vendor and external entity costs at a program level.
- **Confidential Vendor Schedule 2 - 2019 Year End Report - Table G-1 - Program Level Cost Breakdown into Subcategories:** A breakout of the gas energy efficiency programs by cost category and sub category, detailing vendor and external entity costs at a program level.

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<sup>1</sup> The enclosed supplemental attachment is being delivered via E-gress Switch. Per practice during the COVID-19 emergency period, the Company is not providing a hard copy of this filing. The Company will provide the Commission Clerk with a hard copy and, if needed, additional hard copies at a later date.

<sup>2</sup> The Year-End Report was filed on May 15, 2020.

- **Confidential Vendor Schedule 3 - 2019 Rhode Island Energy Efficiency Vendor Costs (Electric and Natural Gas):** A listing of the vendor and external entity costs across both the electric and gas portfolios, broken out by cost category.
- **Confidential Vendor Schedule 4 - 2019 Rhode Island Energy Efficiency Vendor Costs >\$1M (Electric and Natural Gas):** A listing of the vendor and external entity costs greater than \$1M across both the electric and gas portfolios in 2019, broken out by cost category, with additional description added of vendor services rendered, and additional vendor details.
- **Confidential Vendor Schedule 4a - 2019 Rhode Island Energy Efficiency Vendor Costs >\$1M (Electric):** A listing of the vendor and external entity costs greater than \$1M for the electric portfolio in 2019, broken out by cost category.
- **Confidential Vendor Schedule 4b - 2019 Rhode Island Energy Efficiency Vendor Costs >\$1M (Natural Gas):** A listing of the vendor and external entity costs greater than \$1M for the gas portfolio in 2019, broken out by cost category.

Thank you for your attention to this filing. If you have any questions, please contact me at 401-784-4263.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew S. Marcaccio".

Andrew S. Marcaccio

cc: Docket 4888 Service List  
Jon Hagopian, Esq. (w/confidential Excel File)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION

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**IN RE: 2019 ENERGY EFFICIENCY PROGRAM**

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) **Docket No. 4888**  
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**MOTION OF THE NARRAGANSETT ELECTRIC COMPANY D/B/A**  
**NATIONAL GRID FOR PROTECTIVE TREATMENT OF**  
**CONFIDENTIAL INFORMATION**

The Narragansett Electric Company d/b/a National Grid (National Grid or the Company) hereby respectfully requests that the Public Utilities Commission (PUC) grant protection from public disclosure certain confidential information submitted by the Company in the above referenced docket. The reasons for the protective treatment are set forth herein. The Company also requests that, pending entry of that finding, the PUC preliminarily grant the Company's request for confidential treatment pursuant to 810-RICR-00-00-1.3(H)(2).

The record that is the subject of this Motion that requires protective treatment from public disclosure is an Excel file entitled "2019 RI EE Confidential Vendor Schedules" that was filed by the Company on June 17, 2020 as a supplemental attachment to the Company's 2019 Energy Efficiency Year-End. National Grid requests protective treatment of this record in accordance with 810-RICR-00-00-1.3(H) and R.I. Gen. Laws § 38-2-2-(4)(B).

**I. LEGAL STANDARD**

For matters before the PUC, a claim for protective treatment of information is governed by the policy underlying the Access to Public Records Act (APRA), R.I. Gen. Laws § 38-2-1 et seq. See 810-RICR-00-00-1.3(H)(1). Under APRA, any record received or maintained by a state or local governmental agency in connection with the transaction of official business is considered

public unless such record falls into one of the exemptions specifically identified by APRA. See R.I. Gen. Laws §§ 38-2-3(a) and 38-2-2(4). Therefore, if a record provided to the PUC falls within one of the designated APRA exemptions, the PUC is authorized to deem such record confidential and withhold it from public disclosure.

## **II. BASIS FOR CONFIDENTIALITY**

The Excel file entitled “2019 RI EE Confidential Vendor Schedules” that is the subject of this Motion is exempt from public disclosure pursuant to R.I. Gen. Laws § 38-2-2(4)(B) as “[t]rade secrets and commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature.” *The Attorney General’s Guide to Open Government in Rhode Island 6<sup>th</sup> Edition*<sup>1</sup> provides guidance as to the scope of R.I. Gen. Laws § 38-2-2(4)(B)’s applicability. It states that:

If a request is made for financial or commercial information that a person is obliged to provide to the government, it is exempt from disclosure if the disclosure is likely either: (1) to impair the government’s ability to obtain information in the future, or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained. If a request is made for financial or commercial information that is provided to the government on a voluntary basis, it is exempt from disclosure if the information “is a kind that would customarily not be released to the public by the person from whom it was obtained.” *The Providence Journal Company v. Convention Center Authority*, 774 A.2d 40 (R.I. 2001).

The Excel file entitled “2019 RI EE Confidential Vendor Schedules” consists of financial and commercial information. National Grid would customarily not release this information to the public and its submission of the Excel file stems from PUC Order No. 23775 in which the Commission approved the Energy Efficiency Program Plan for 2019 which, in part, directs the Company to file a 2019 Year-End Report. Accordingly, National Grid is providing the Excel file

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<sup>1</sup> <http://www.riag.ri.gov/Forms/AGguidetoopengovernment.pdf>

to the PUC to fulfil its regulatory responsibilities in connection with the Year-End Report. Therefore, the Excel file is exempt from public disclosure “if the disclosure is likely either: (1) to impair the government’s ability to obtain information in the future, or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained.” See *The Attorney General’s Guide to Open Government in Rhode Island 6<sup>th</sup> Edition*, p. 22.

The release of the Excel file is likely to cause substantial harm to the competitive position of National Grid. The Excel file includes sensitive information and other commercial details regarding the Company’s vendors. Disclosing this information to the public could harm the Company’s ability to procure vendors in the most cost-effective manner and, ultimately, harm customers.

### **III. CONCLUSION**

For the foregoing reasons, the Company respectfully requests that the PUC grant this motion for protective treatment of the confidential Excel file entitled “2019 RI EE Confidential Vendor Schedules.”

Respectfully submitted,

NATIONAL GRID  
By its attorney,

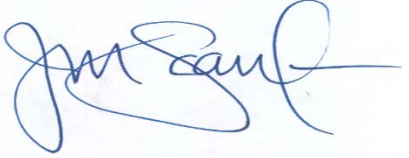
A handwritten signature in blue ink, appearing to read "Andrew S. Marcaccio", is written over a horizontal line.

Andrew S. Marcaccio (#8168)  
National Grid  
280 Melrose Street  
Providence, RI 02907  
(401) 784-4263

Dated: June 17, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on June 17, 2020, I delivered a true copy of the foregoing Motion via electronic mail to the parties on the Service List for Docket No. 4888.



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Joanne M. Scanlon

Certificate of Service

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was electronically transmitted to the individuals listed below.



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Joanne M. Scanlon

June 17, 2020  
Date

**Docket No. 4888 - National Grid – 2019 Energy Efficiency Plan (EEP)**  
**Docket No. 4889 - National Grid – 2019 System Reliability Procurement**  
**Report (SRP) Service list updated 5/15/2020**

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